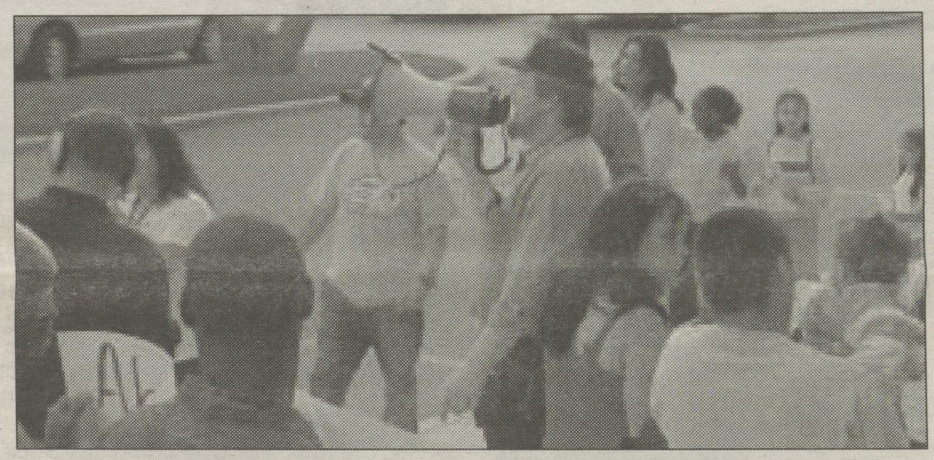
Convoy Dispatch

VOICE OF THE TEAMSTER RANK AND FILE SINCE 1975 — November/December 2004 # 222

Righting Wrongs, Enforcing Rights

Members score victories that enforce our rights – from local elections to the Central States Pension Fund.



Fighting Dirty Tricks in Chicago

Richard Berg (above, with megaphone) and the New Leadership Slate caught officials trying to steal the election in the 12,000-member Chicago Local 743—and they forced a fair vote. When the ballots were counted, reformers had pulled off an upset! But old guard officers still had one more dirty trick up their sleeve. What was it and how are members fighting back?

See story, page 11.

Members Force Central States to Open the Books!

A federal judge has ordered the Central States Pension Fund to make actuarial reports and other financial documents available to the members.

"We want to see the truth about the state of our pension fund, and what the trustees have been doing in the past few years," said Tommy Burke, a Local 391 Teamster and a plaintiff in the successful lawsuit. "Most of all, we want the financial information that will let us hire an independent expert to review the situation, and report to Teamsters. We hope this decision will let us do that."

Securing more financial information from the fund is one of four goals for the coming year set by Central States Pension Improvement Committee activists at their meeting at the TDU Convention.

See pages 6-7 for complete pension coverage.

Hoffa Ally Voted Out

The Members United Slate swept the voting in Washington, D.C. Local 639 for the second time in a year, defeating John Steger, a trustee on the General Executive Board.

General President Hoffa ordered a rerun and a trusteeship to try to keep Steger in power.

Anthony Smith (right) told the TDU Convention how Local 639 members defeated Hoffa's "Vote 'til You Get it Right" tactic.

See story, page 11.

Railroad Unionists Join Teamsters

Train engineers and workers who build and repair tracks are now in the same union as trucking workers. One union for the freight industry can build solidarity, but these new Teamsters see potential problems along with that promise.

See page 3 for rail coverage.

Letters From Our Members

Sharing Info Learned at TDU Convention

I just wanted to let you know that I really enjoyed the convention. My coworkers at my barn mentioned that they never had a steward attend any kind of convention before. Did I have some stories for them!

I have shared with them the information I learned from the workshops throughout the weekend and told them about the hope and dedication of the TDU members from all over who are committed to reform in the union. I explained to them how I was inspired by the hard work of fellow reformers who are making the changes we need to see. Thank you for accepting me as a member of TDU and into the family of reformers.

Scott Webber
Local 728, ABF
Stone Mountain, Ga.

Veterans Bill Advances

This is to inform the International Brotherhood of Teamsters that HR 4658 (The Servicemembers and Veterans Legal Protections Act of 2004 [which preserves employer health benefits for service-members]) passed voice vote on October 7, 2004, at 2:07am in the United States House of Representatives. The bill was received by the Senate on October 7, 2004. The House of Representatives down, and the Senate and White House to go.

I would like to thank Fred McLuckie for all of his help and ask that the International continue to help me with this legislation. It only took 15 months of mailings, phone calls and faxes (even to the White House, they must really think I am annoying). I will continue the phone calls, faxes, and mail correspondence to get this bill passed and signed into law. It all started with a letter to Congressman John M. McHugh and with other citizens testifying that more needed to be done to protect our servicemembers and veterans. That's how this bill was born. Again, thank you for the assistance now and into the future.

Eric W. Burns
Local 317, UPS
Oswego, N.Y.

Unionism is Best Chance to Solve Problems

Although I'm disappointed in the presidential election results that I put so much time into, I'm also positive that I was able to meet new people and friends in my community. It was very gratifying that parents brought their children to walk precincts to get them involved in our wonderful country.

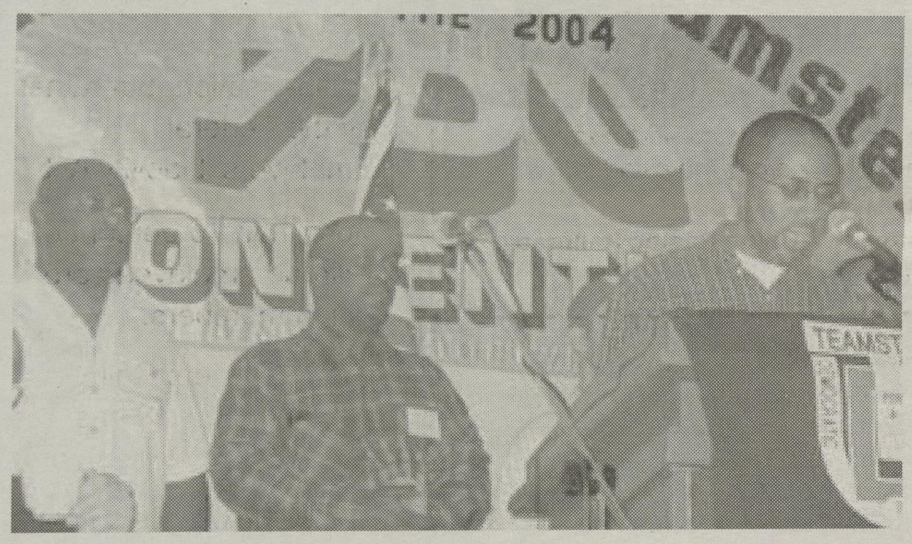
I also think it's important for all our union members to educate our communities about unionism and how it's the best chance for the poor and middle class to reach economic security and to build our school systems. If Jesus taught us anything it is that if you end poverty so many other problems will fade away.

Doug Roberts
Local 651, UPS
Lexington, Ky.

What's Going On

I really enjoy your factual information about UPS and your well-rounded news about all the crafts. Your hard work and time are appreciated and I let my Teamster brothers and sisters know what is really going on.

Gordon Ames
Local 822, UPS
Yorktown, Va.



Reform activists from the International Longshoremen's Association address the TDU convention. Rick Cephas (at the microphone) told the delegates, "Like you, we want democracy so we can build a strong union. We want direct elections of international officers, fair elections and fair contract votes. We want to get rid of over-paid do-nothing officers who are cozy with the employers. You have supported our battle and we are here to support and learn from yours. It means a lot to us to be here."

How to Contact TDU

We want to hear from you. Contact us at the addresses below for more information about TDU, or to send us articles or letters

National Office: P.O. Box 10128, Detroit, Mich., 48210. Phone: (313) 842-2600. Fax: (313) 842-0227. E-mail: tdudetroit@tdu.org
Website: www.tdu.org

NY Office: 104 Montgomery St., Brooklyn, N.Y. 11225. Phone: (718) 287-3283. Fax: (718) 287-3287. E-mail: tdueast@tdu.org

E-Mail Your Letter

Visit our web page at **www.tdu.org** and use the link provided there, or e-mail your letter to **letters@tdu.org**.

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TDU International Steering Committee

CoChairs:
Joe Fahey, Milwaukee Local 200
Maria Martinez, Pasco, Wash. Local 556
Michael Ruscigno, New York Local 802
Michael Savwoir, Kansas City, Mo. Local 41

Organizer:
Ken Paff, Detroit

Trustees:
Willie Hardy, Memphis Local 667
Jim Jacob, Providence, R.I. Local 251
Bob McNattin, Minneapolis Local 120

Members:
Richard Berg, Chicago Local 743
Dianne Bolton, Seattle Local 174
Gilbert Clark, St. Louis Local 688
Frank Halstead, Los Angeles Local 572
Toni Jackson, Memphis Local 667
Roy Kruchten, Chicago Local 705
Sandy Pope, New York City Local 805

Alternates:
Sam Putinja, Toronto Local 938
Matt Latzo, Baltimore Local 311
Larry Macdonald, Atlanta Local 728

Who We Are

CONVOY DISPATCH is the voice of Teamsters for a Democratic Union. We are the united rank and file movement to reform the Teamsters, created out of the merger of PROD and TDU.

We are truck drivers, dock workers, production workers—every kind of Teamster, and spouses, too.

We are a grassroots organization with chapters from coast to coast in the USA and Canada. We believe in returning this union to the membership and we are doing it. We are a democratic organization in which every member has a voice and vote. Our 15-member International Steering Committee was elected in October 2004 for one year. Our Rank & File Convention had 300 representatives present.

We are proud Teamsters standing up for our rights. TDU invites all Teamsters interested in defending our contracts and reforming our union to join us. We do reserve the right to exclude those who are opposed to TDU and its principles.

Rank & File Bill of Rights

I. DEMOCRATIC BYLAWS. All business agents and stewards should be elected. Vacancies in office should be filled by special election within three months. Local union committees should be elected. Contract and strike votes should be by majority (not two-thirds). All contracts should provide for elected officers retaining company seniority.

II. DIRECT ELECTION OF OFFICERS. General President and all International officers should be elected by the membership. International VPs should be elected by regions. No more trusteeships and split-off locals.

III. A FAIR GRIEVANCE PROCEDURE. Innocent until proven guilty, right to remain on the job until final procedure completed. Grievance procedure should include right to a speedy trial, arbitration by peers, and the right to strike if necessary.

IV. PRESERVATION OF WORKING CONDITIONS. The union's purpose is to expand and preserve what we have, not trade it away for less. People come first, not productivity.

V. SAFETY AND HEALTH. We have the right to enter the workplace without fear for our health and leave in the same condition we arrive. Teamsters should have the right, backed by our union, to refuse unsafe work or hazardous conditions. We are not machinery.

VI. EIGHT-HOUR DAY AND FIVE-DAY WEEK. Forced overtime and unfair dispatch rules destroy our family life and cost us jobs. No mandatory overtime, "flexible" work weeks, or 70-hour slavery. We are for the advent of the four-day work week. We work to live, not live to work!

VII. A DECENT PENSION. Every dollar in the pension funds belongs to us. We are entitled to 25-and-out, cost of living on pensions, and union pension trustees elected by the rank and file and retirees to safeguard our money.

VIII. JUST SALARIES FOR OFFICERS. A union officer can't understand the problems of members who make less than half what he or she makes. No officer should make more than the highest paid working members in their jurisdiction. No multiple salaries from union, company, or government sources, or special fringes and pensions. Salary increases limited to the average increase for members, and subject to membership approval.

IX. EQUALITY AMONG TEAMSTERS. Bring all wage levels up to the highest standards, not a lot for the few and little for the many. Fight the hardest for the lowest paid.

X. END TO DISCRIMINATION. Employers have used the differences in age, race and sex to divide us for decades. We oppose these injustices and divisions. Support affirmative action to correct past injustices. Employers should bear the cost of their past discrimination, not the members.

Engineer Urges Railroad Teamsters to Join TDU

Ed Michael, Union Pacific Railroad
BLET Division 724
Teamsters Rail Conference

I am a Locomotive Engineer on the Union Pacific Railroad with 34 years of service, and am on my third term as president of Division 724 of the Brotherhood of Locomotive Engineers and Trainmen (BLET). Before our merger this past January into the Teamsters, we were the International Brotherhood of Locomotive Engineers (BLE)—the oldest existing union in America. Our members enjoyed one of the most democratic union constitutions in existence. We had the powers of recall, referendum and initiative: By a vote of the membership, we could remove International officers or change our Constitution.

It was not easy to relinquish that democracy and join the Teamsters. With the merger, we lost recall and referendum, and made rank and file initiatives subject to veto by the president of the IBT.

Nevertheless, I supported the merger for two reasons. First, we were a small union with only about 35,000 members. Federal laws and agencies that govern railroads make it extremely difficult, with such small numbers, to represent your members' interests in today's world of state and national politics. We desperately needed the Teamster influence when supporting our members' needs.

A House Divided

Second, the union house of railroad operating crafts had been divided for decades. The BLE bargained contracts for engineers and the United Transportation Union (UTU) bargained for trainmen (conductors, firemen and brakemen).

Train crews once were five people, and the UTU gave away three of those positions with almost no fight. They also worked with the carriers to establish a two-tier pay system that set a substandard wage for trainees and set a lower pay rate for new hires.

A pattern had been set. The railroads would negotiate with the UTU to eliminate jobs and work rules, and then, using provisions of the Railway Labor Act, force the same contracts on the BLE.

Eventually, the UTU withdrew from the AFL-CIO in order to avoid heavy fines resulting from attempted raids on the BLE.

We felt that by joining the Teamsters we would get sorely needed help in our struggle with the carriers and the UTU. Our leaders told us we would get that help, but as of yet we have not seen it.

I searched for a way to get the help we needed. In my search, I heard about the TDU. Teamsters for a Democratic Union? Could it be real? I cruised the TDU website. I read the Convoy Dispatch. With a little glimmer of hope, I sent off a check for membership. To see for myself, I decided to attend their annual convention.

It wasn't an easy thing to do. I had only been a Teamster for ten months. I was driving 500 miles by myself to meet with people I didn't know. Would I be welcome as a Teamster? Would they care about our problems on the railroad? It seemed I had a thousand questions!

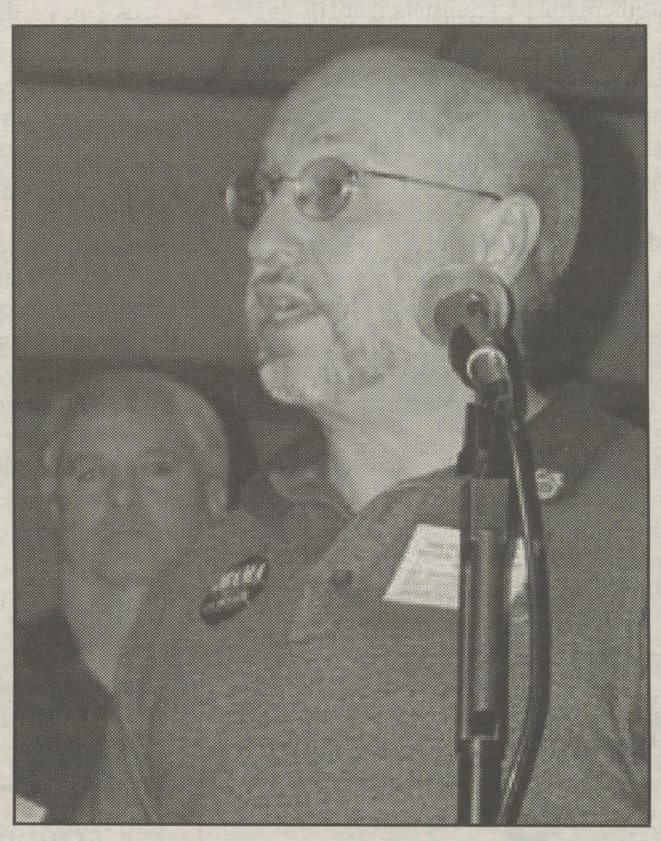
They're for Real!

From the first handshake and introduction, I was home! I found a group of enthusiastic people who are working hard to bring reform and democracy to a union they love in spite of its own internal problems. They weren't abandoning their union; they were effectively struggling inside the system, leading a movement to improve the lives of rank and file Teamsters. They are united in their efforts!

They are educating and supporting rank and file members who are resisting the legacy of corruption, and instead promoting member involvement and democracy.

Before TDU, I was a member of the BLET who just happened to belong to the Teamsters Rail Conference. TDU has given me the pride and knowledge to look anyone in the eye and say, "I am a Teamster!" An active TDU membership within the BLET can bring about positive changes, the same as TDU has been doing for thirty years in the IBT.

I urge not only every BLET member, but also all Teamsters everywhere, to join TDU, distribute copies of Convoy Dispatch to other Teamsters and let them know there is a way for each of us to bring a positive change to our jobs.



"TDU has given me the pride and knowledge to look anyone in the eye and say, 'I am a Teamster!'"

Ed Michael
BLET Division 724, Union Pacific Railroad
Salem, Ill.

Did you know...

- The BLE (Brotherhood of Locomotive Engineers) was founded in 1863 by train engineers.
- The BMWE (Brotherhood of Maintenance of Way Employes) was founded in 1887 by the workers who lay and maintain railroad tracks. (The union's name retains the formerly correct spelling "Employes.")
- Collective bargaining for rail workers is covered by the Railway Labor Act, which severely restricts the right to strike.
- Injured rail workers are not covered by workers' compensation, but rather by the Federal Employers' Liability Act.
- More than 75 percent of railroad employees are union members.
- The Teamsters Rail Conference now has almost 70,000 members.
- The BMWE Division and the BLET Division will each have four seats on the Rail Conference Policy Commitee.

TDU Welcomes BMWE Members to the Teamsters

On October 27, members of the Brotherhood of Maintenance of Way Employes (BMWE), who lay and maintain railroad tracks, voted by a large margin to merge with the IBT. They are now the BMWE Division (BMWED) of the Teamsters Rail Conference. Following is a message to these new Teamsters from TDU International Steering Committee member Frank Halstead.

Dear Brothers and Sisters of the BMWED,

Welcome to the Teamsters! We are honored that you have chosen to merge your union with ours, and we look forward to lending solidarity to your fight for good working conditions.

We know that since your union's founding in 1887, your members have worked hard to establish the wages and benefits you enjoy today. We believe we can learn from your struggles and hope that we can get to know you better in the years ahead.

TDU's mission is to bring membership control to our international and local unions. We know that a united and informed membership is essential in order for a union to be effective. At grievance hearings, during contract negotiations and in political lobbying, members must be at the center of the union. TDU members are on the frontlines for our union.

Unfortunately, IBT officials sometimes fail to take on the struggles that matter most to those of us who pay the dues. In the last year, Teamsters have seen pension cuts, fraudulent contract votes, stolen officer elections, and continued corruption. But in the IBT there are also thousands of rank-and-file activists and good officers who are working to build a powerful union by making it accountable to the members.

By joining TDU, you will have the opportunity to meet some of those activists—maybe you are already one yourself! Call our national office in Detroit, (313)842-2600, any time to request a bundle of our newsletter *Convoy Dispatch,* to join TDU, or to give us your feedback on the merger.

In solidarity,

Frank Halstead
TDU International Steering Committee
Los Angeles Local 572

Yellow Goes for 'Premium Service' in the Midwest

Yellow Freight has proposed to add Premium Service boards at 33 terminals in Pennsylvania and across the Midwest, in a change of operations slated to be heard on Dec. 7 in Chicago. At the same time a separate proposed change of operations will be heard, to establishe sort-hubs in Coldwater, Mich., and Cincinnati and Richfield, Ohio.

The new Article 18 (and a "Letter of Understanding") of the 2002 NMFA allows management to open a new board of combination employees (road-city-dock) to do "Premium Service" work only.

The letter of understanding states that this is "not intended to divert other traffic from the present method of operation and deprive employees of premium day work opportunities or reduce the present Monday-Friday work weeks."

The contract provides that only new business in same-day, next-day and second-day market will be moved by a Premium Service board, with the goal of expanding service and jobs. The proposed change does not specify what this freight may be.

Most of the 33 affected terminals will start with just one Premium Service driver, with the largest ones (Chicago, Detroit) adding four or five.

This is a foot-in-the-door, to start up the operation in the Midwest and then expand it.

Will road boards like Cleveland lose their turn-around runs, as premium service drivers get based in scattered terminals around the Midwest?

Who will police this operation? If one premium service pallet is on a trailer, can the trailer be loaded with regular freight?

Yellow has proposed that only local cartage workers can bid on the jobs; the contract states, however, that CDL-qualified Teamsters can bid on the jobs, as determined by the Change of Operations Committee.

Because this operation has the potential to undercut existing jobs, classifications and conditions, our union needs to establish clear guidelines and police it carefully.

Note: Check your contract book—the four-page "Letter of Understanding" in Article 18 that allows Premium Service combination workers is not included in the book! If you need a copy, contact your local or TDU. You'll need the language to enforce it.

Non-Union Labor at Charlotte ABF

A non-union operator seems to be taking over the ABF cartage operation in Charlotte, N.C.

Millenium Express, a non-union cartage company, now actually rents part of the ABF dock. They use ABF's pallet jacks and forklifts, load ABF freight onto six non-union trucks, and make deliveries and pick-ups. This has been going on for eight months and is expanding!

The excuse is "overflow freight." Eight months of sudden overflow?

ABF is apparently exploiting Article 40, Section 4, of the Carolina Supplement to the NMFA, and the fact that Local 71 seems to allow union freight jobs to go non-union.

There are too many Teamster jobs contracted out in the freight industry. It's time for our union, at the highest level, to just say no and enforce the contract.

Self-Rule Returns to Cleveland Local 293

Court Finds Hoffa Trusteeship Illegal

On Nov. 9 federal judge Kathleen O'Malley issued a temporary restraining order against James Hoffa's trusteeship of Cleveland Local 293. Hoffa's trustee was sent packing and the 1,700 members of Local 293 got their local back, with the elected officers back in office.

Hoffa placed the local into trusteeship on Sept. 20, alleging serious problems including that Local 293 had undermined a strike by Local 348 against a beer distributor. Members, including the officers, went to court and proved that the allegations were not only false, but were a pretext for Hoffa to take over the local.

Judge O'Malley stated in her decision that "The Court was surprised by the lack of any meaningful justification for the imposition of a trusteeship in this case." The judge noted that there is a very high standard for the members to overturn a trusteeship less than 18 months old, but in this case Hoffa had no good-faith reason for the action, and in fact acted in bad faith.

James Hoffa has increasingly used political trusteeships (and threats of trusteeship) and his power to overturn local elections any time he doesn't like the results. This court decision shows that there are limits to just how much he can abuse his powers.

Quote of the Month

"The people who called me were nephews or sons of mobsters. They were not mobsters."

— Dominic Romanazzi, President of Chicago Local 330, as reported in the *Chicago Tribune*, Nov. 8, 2004.

Romanazzi was responding to investigators' reports of intimidation and organized crime influence in Local 330 and other Chicago Teamster locals. See www.tdu.org for the full story.

Review Board Charges Chicago Power Broker

The Independent Review Board (IRB) on Oct. 14 charged Joseph Bernstein with associating with Billy Hogan, who was banned from the Teamsters in May 2002.

Bernstein, the president of Chicago Local 781 and vice president of Joint Council 25, faces a hearing and likely removal from our union as well as the loss of his $218,441 salary.

Bernstein admitted under oath to having at least three meetings with Hogan, one of which was observed by a RISE investigator in October 2003. Seven days after that three-hour meeting, Hogan's son Robert was nominated to be on the Joint Council 25 Executive Board.

Bernstein, however, claimed that in their three hours together the two men didn't discuss union business, and he didn't even know what Hogan's occupation was at that time.

The IRB suspended Bernstein from office once before. In 1992 he was found to have used over $50,000 in union dues money to pay his country club golf fees, and had to repay the union when he was caught.

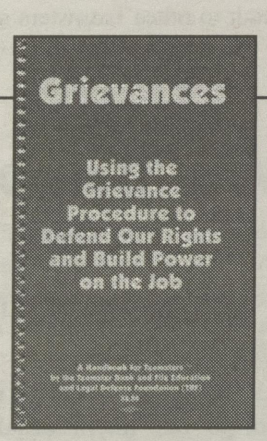
Hogan, formerly the top Teamster in Chicago and Hoffa's initial choice as running mate, was removed from the Teamsters in 2002 for attempting to make a sweetheart deal in the Las Vegas convention industry. The deal would have benefited a company owned in part by Hogan's brother.

The IRB report credits Ed Stier's RISE program with doing some of the investigation leading to this charge against a powerful Chicago official. It is the first IRB charge brought since May, when Stier turned over to the IRB a 300-page report on Teamster corruption. Stier and the entire RISE staff resigned at that time, blaming Hoffa for blocking investigations and covering for corrupt officials, especially in Chicago.

Grievances:

Using the Grievance Procedure to Defend Our Rights and Build Power on the Job

by the Teamster Rank and File Education and Legal Defense Foundation. Paperback, $8



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UPS & Downs

IBT Digest Gives Locals Quick Access to UPS Grievance and Court Cases

Teamsters and local officers at UPS often want to know if the issue they have grieved has been decided before—and if so, what the decision was. Just as common is the answer "We don't know."

Sometimes we are told we should give up on a grievance because the same issue has already been lost in another case.

Now the international union has provided local unions with a compact disk containing arbitration and court decisions.

The digest of cases goes back to 1968, when just a few locals or regions had arbitration in their contracts. Most of the cases in the digest are more recent, stemming from arbitration provisions won in the national contract in the 1990s.

The digest also cites court cases (including NLRB and EEOC) going back to the 1980s.

The next time your local is unsure whether cases have been won or lost, remind them that they can look it up in the IBT digest.

Third Quarter Boosts UPS Revenue, Profits

UPS after-tax profits rose 20.8% to $2.47 billion in the first three quarters of 2004. Revenue during the same period compared to 2003 grew by over $2 billion. Both international and U.S. package volume were up over last year. UPS' busiest quarter is still ahead, meaning that 2004 will be another record year for the company.

What's in Store for Teamsters after UPS Purchase of Menlo?

Karl Gartung
Local 344, Menlo
Milwaukee

I am a long-time Menlo/Emery Teamster, and on first hearing of the UPS purchase of our company I thought about the potential positive aspects. The prospect of UPS management possibly being able to make the company grow is reason for celebration.

But on reflection, what will the relationship be?

On one hand, some of the hard times experienced by Menlo Teamsters could actually be an opportunity for the IBT. Many locations, including the Dayton hub, are non-union and could be ripe organizing targets. On the other hand, UPS has purchased a company that has downsized and also subcontracted to non-union labor in many areas.

For example, at one time Purolator (later bought by Emery, which then became Menlo) employed over a hundred drivers in Milwaukee. After management's consistent efforts to shrink to profitability over the last decade, Menlo Worldwide Forwarding now employs 14 drivers for the Milwaukee area.

At least some of the following questions on behalf of Menlo and UPS Teamsters need to be answered, and soon:

- Menlo Worldwide is coming in as part of UPS Supply Chain Solutions, which is a non-union arm of UPS. We have been assured that they will honor current contracts, which is good, but what work will we be doing? Supply Chain Solutions and Fritz, which UPS bought not long ago, already use non-union subcontractors to move a large amount of air freight. Do they intend to give that work to us?
- Does UPS plan to honor its current contract in the parcel division by bringing us into it? Menlo picks up freight at many of the UPS high-volume accounts. Will there be an effort to combine the work from the UPS side, or from the Supply Chain side? If from the Supply Chain side, will this amount to double breasting like our old friends at CF/CNF? Would Supply Chain subcontractors or Menlo union drivers be assigned to pick up (for instance) pallets of parcels to be delivered to UPS terminals, in addition to the heavy freight?
- Is there any aggressive counter strategy to prevent a repeat of the CF/CNF debacle? The parent company of CF bled it dry over the years and diverted work and resources to its non-union Con-Way division. UPS has growing non-union divisions, like UPS Logistics.

Menlo and UPS employees would like to hear answers to these and other questions. What about it IBT? Meanwhile, we need to build the rank and file network and TDU among Menlo Teamsters, to be prepared for whatever is ahead.

Living Under PAS

Strategies for Protecting Jobs and Health

At the recent TDU Convention, UPS Teamsters met to discuss contract enforcement and survival strategies. In the coming months we will report on some ideas that came out of the meeting.

Todd Hartsell
Steward, Local 90
Des Moines, Ia.

With the PAS/Smart Label system being put in place, UPS package car drivers are contending with several changes. Routes are being changed and stop counts are up. At the same time, the risk of injury is on the rise. Now more than ever we need to find ways to protect ourselves.

We should remember that UPS management frequently stresses the importance of safe work practices. You won't be any good to the company if injured permanently. One thing we can do is follow those methods:

- Drive the speed limit.
- Don't run.
- Use hand rails.
- Use the hand cart when it is needed.
- Use help for the over 70 pound packages.

Another approach to working safe and protecting jobs is to make sure that we take the time provided in the contract for lunch breaks. Safety experts long have pointed out that taking regular breaks helps prevent injuries, especially the repetitive strain injuries that UPS workers are susceptible to.

We can also protect ourselves by using these three areas of the contract:

The 9.5-hour workday. The Hours of Work section of the contract states that we have a right to file grievances if and when management forces us to work continuously over 9.5 hours per day. If you have had to work three or more days per week over 9.5 hours, file a grievance.

Optional days. Each supplement has a provision for optional days. Under the Central Supplement we have to request them in writing eight days in advance. The company has to respond within 24 hours.

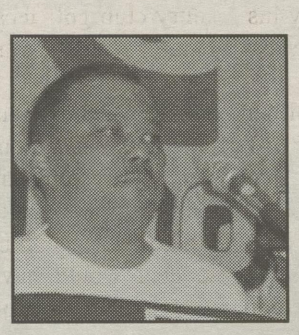
You do not have to give a reason for taking the day. Make sure you use your optional days and encourage co-workers to do so as well.

Relieved after eight hours. The contract also states that a minimum of ten percent of drivers and full-time inside workers in a center have to be given 8-hour work days, if requested. Say you have 60 people in your center, that means at least 6 can be relieved from overtime on any given day.

Remember that these contract provisions cannot be invoked during peak season. Once peak is over, however, you can be ready to start making use of them. Also, be sure to check your contract for any variations in this language.

Be prepared for management to say, "we've got people injured," or "we're short-handed." Remember, it is their job to take this into account. By using this provision in the contract we take a small but important step towards protecting ourselves and having healthier work lives.

By taking all of these steps we will experience fewer on-the-job injuries—a positive outcome for workers and management alike, given the many costs associated with workplace injury.



"The 2005 TDU Convention is going to be here in St. Louis, so let me be the first to invite you. If you couldn't make it to Cleveland, you won't want to miss the next one, so don't forget us when you're putting in for your vacation time."

Gil Clark, TDU International Steering Committee
Local 688, UPS
St. Louis

30th Annual TDU Rank & File Convention

November 4-6, 2005
St. Louis
Downtown Radisson

Central States Teamsters Set Strategies for Justice

Pension Action Plan for 2005

At the TDU Convention in October, pension activists in the Central States Fund discussed strategies for building the movement to win pension justice. Leaders and activists targeted initial goals for 2005:

An Independent Actuarial Study

Winning access to the Fund's financial documents may make it possible to complete an independent study of the Central States Fund. We won an important victory on this front on October 21 (see story page 7) and are pressing to obtain more of the documents that are needed.

Stand up to the Employer Attack on Benefits

UPS and freight employers are stepping up attacks on our pension rights—including in Congress. At the same time UPS has revived its campaign to dump members into a UPS corporate plan. The IBT has done little to counter this attack. Teamsters and TDU will have to fill the void by launching a national campaign to inform members about what's at risk.

Run and Win in Local Elections

By electing reform-minded leadership we put in place officials who will work with members, not against us, to win pension justice. Local officers should not be puppets of those who cut pensions, but should join the movement to protect pensions.

Elect Delegates to the IBT Convention

Every Teamster local union will have an election for delegates to the next Teamster Convention. The convention floor is where pension activists can propose changes to the Teamster Constitution to hold our pension trustees accountable to the members.

Build TDU

'One year ago, I attended a CSPIC meeting and got involved in the fight against the pension cuts. I joined TDU because it was the organization that was backing our fight for pension justice and showing members that we can have a stronger union if we get involved and work together. I got a renewal notice in the mail from TDU and I am proudly renewing my membership. If we want a stronger union, we need to keep building a strong TDU."

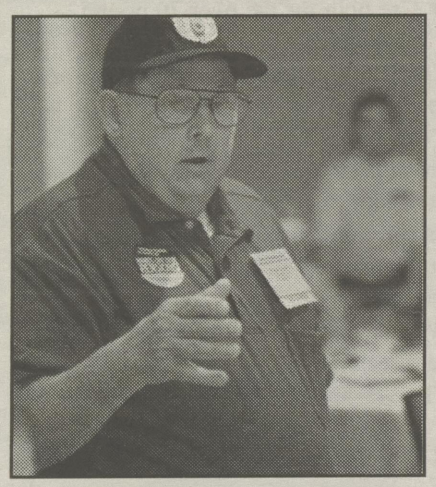
Dennis Hobson
Local 480
Sparta, Tenn.

Run for Local Union Office

"We need to replace Hoffa and the pension fund trustees. But if we want to win at the top, we've got to build at the bottom. We need to win more local elections. Local union officers should be leading the movement against the pension cuts. If they're not, we should be putting together slates and running against them. That's what we're doing in Local 89."

Darrell Hall
Local 89
Louisville, Ky.

Counter UPS' Attack



"UPS is trying to bust our pension, and take it over. It could be a first step in a move to break our union. In a union plan like Central States, members can win a say over what happens to our benefits by demanding accountability and changing the IBT leadership in 2006.

"If the company gets its hands on our pension, the only ones who will have a say will be management. UPS Teamsters: remember the thrift plan? It is long gone, done away with by UPS. Give them the pension and they will do everything possible to drive down its cost to them by minimizing our benefits.

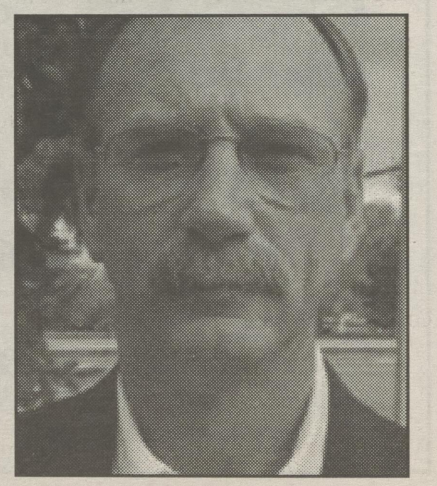
"Tens of thousands of Americans trusted their retirement to employers, only to end up retiring to be a greeter at Wal-Mart for $7 per hour. I'm sticking with the union—and fighting to make it better."

Frank Bryant
Local 391, retired
Greensboro, North Carolina

Run for Delegate

"Starting one year from now, every local union will hold elections so members can choose the delegates that will represent them at the 2006 Teamster Convention. We need to start preparing now to win those delegate races. In Memphis, we just narrowly lost our local union election. But we are going to do whatever it takes to make sure that Local 667 Teamsters are represented by "No Pension Cuts" delegates at the IBT Convention. We will make our voices heard to demand pension trustee accountability and the restoration of our benefits."

Mike McGowan
Local 667
Memphis



First Step to Accountability

Legal Victory for Pension Movement

Round one in the fight to get the truth about the benefit cuts in the Central States Pension Fund goes to working and retired Teamsters. On October 21, federal judge James Moran ordered that the quarterly reports from the fund's Special Counsel, including actuarial reports, be opened up to members.

The decision came in response to legal action filed in July by Teamsters Tommy Burke of North Carolina Local 391, Mike Brady of Toledo Local 20, and Brent Lindberg of Minnesota Local 638, who are represented by attorney Paul Alan Levy.

Tommy Burke, a leader of the Central States Pension Improvement Committee, explained the purpose behind the legal action. "We want our pension trustees to be accountable to members and retirees. We want to see the truth about the state of our pension fund, and what the trustees have been doing in the past few years. Most of all, we want the financial information that will let us hire an independent expert to review the situation, and report to all Teamsters and retirees. We hope this decision will let us do that."

The pension movement's goals are to restore pension benefits and retiree health care that have been slashed, and eliminate unfair restrictions that prevent retirees from working to supplement their pension.

Judge Moran, while granting the members' motion, did not grant all of it. He ordered that quarterly reports from the fund's Special Counsel dating from Aug. 5, 2003, and into the future, be made public. Teamsters may need earlier documents, however, to investigate what the Fund trustees were doing—or not doing—to safeguard the pension fund and protect pension benefits. That issue remains to be dealt with.

Judge Moran ordered that the documents be made public in the coming weeks.

It's only round one. The Central States Trustees, on Nov. 5, requested the judge to limit what he makes available to the true owners of the Fund, while our movement fights for the opposite.

But it's a great victory for Teamster members who want their Union Trustees and their pension fund to be accountable to the rightful owners—working and retired Teamsters.

Teamster Trustees Avert Pension Cuts. . . for Officers!

Teamster members have been pushing for trustees to protect pension benefits, and to win higher employer contributions to make up for the stock market downfall following September 11.

Finally, a group of pension trustees has heeded the call. The trustees of the New Jersey Joint Council 73 Pension Fund responded to their funding shortfall by forcing contributing employers to double their contributions to avert a benefit cut.

But the JC 73 Pension Fund is for local union officials and staff only. Doubling the size of the "employer" contributions means that local unions will be sending twice as much of the members' dues money as before to fund their officials' pensions.

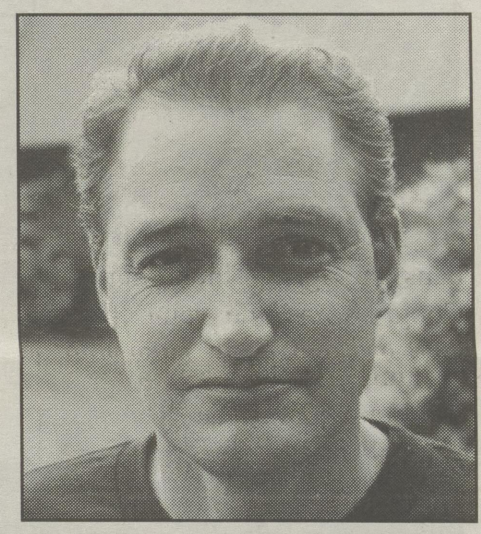
The amount of members' dues that local unions are now paying into this extra pension plan is equal to 20% of the total gross salaries of all employees and officials! That's a lot of money that could be used for organizing or to build Teamster power.

For some local clerical staff, the JC 73 plan is their only pension. But for the vast majority of the fund's participants—local union officials—the JC 73 pension is a second (or even third) pension. The plan also features a generous lump sum payment option.

It's good to know that at least somewhere in our union, fund trustees are going the extra mile to avoid pension cuts. Now wouldn't it be nice if some trustees would do the same for the rank and file—say out West and in the Central States?

Run By and For Teamsters: TDU Depends on Us for Finances

Jim Jacob, TDU Trustee
Local 251, Yellow Freight
Providence, R.I.

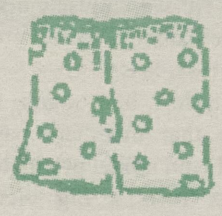


The annual TDU Convention is the best place to network with Teamster leaders and activists, and to learn strategies to defend your rights. But it's also the most important weekend of the year for TDU's continued financial health. TDU is run by and for Teamsters, and it's up to us to support TDU financially. At the 2004 Convention in Cleveland, Teamsters donated and pledged $40,000 to keep our movement going and growing.

Those convention donations mean a lot for what TDU will be able to accomplish over the next year. But to get the job done, we're also going to need help from those of you who couldn't make it to Cleveland. Like a lot of other brothers and sisters, I've pledged $500 to TDU over the next year.

I hope you'll do your part, too. To make a donation or a pledge to TDU, simply fill out the form below. Thanks in advance—let's make this year count for Teamster reform.

Labor Shorts



Working America Job Tracker

The AFL-CIO has a website which identifies companies in your community that are shipping jobs overseas. You can check it out at www.workingamerica.org/jobtracker/

Another new website of interest: Shop Union-Made (www.shopunionmade.org) was recently launched as an online source for products and services by union workers, including cars, clothing, computers, greeting cards, musical instruments and telecommunications services.

Teamsters Win Airline Unit

The IBT's biggest organizing win of the year came in August when 3,000 customer service workers at America West voted Teamster in a big win in the airline industry. Congratulations to the organizing team and the America West workers!

$100,000 Club Update

Sue Mauren is in the Club. Minnesota Local 320 filed their Form 990 tax return late, so we were unable to include Sister Mauren in our $100,000 Club report. Mauren, the secretary treasurer of Minnesota Local 320, received $112,273 in salaries and $126,714 total in 2003. She gets salaries from Local 320, Joint Council 32, and the International Union. Mauren's brother-in-law, Jeff Farmer, is the International's Organizing Director.

Additional Scam in the Club: The International Union pays a special benefit—not included in the listed salaries of officials—which is virtually unheard of, even among corporate execs.

The Union pays the employee portion (as well as the employer portion) of FICA tax, meaning that each official's salary is really about 7.65% higher than reported. This bonus paid to members of the $100,000 costs members an extra half-million dollars per year. Wouldn't it be better to use it for organizing to build Teamster power?

Yes! I want to help build TDU!

TDU supporter ❒ $25, ❒ $40, ❒ $50, ❒ $100, ❒ $150, ❒ other: $_____

TDU Builders Club ❒ $200, ❒ $250, ❒ $500, ❒ other: $_____

❒ I Pledge $_____ per month/quarter (circle one). Please send reminders or charge my credit card (circle one).

Name _____ Local _____

Address _____

City _____ State _____ ZIP _____

Phone _____ Company _____

E-mail _____

❑Check or money order. Please make your check payable to TDU.

Mastercard/Visa # _____ Exp. Date _____

Date _____ Signature _____

Return to: TDU, P.O. Box 10128, Detroit, Mich. 48210

TDU solicits and accepts donations only from Teamsters, retired Teamsters and spouses who are not employers.

Members Not in Union Pension, H&W

Winco Foods Contract Undercuts Teamsters Benefits in Northern California

Local 386 has signed a first contract for workers at Winco Foods, a growing wholesale distributor in Ceres, Cal. The contract undercuts Teamster grocery standards by keeping members out of Teamster pension and health and welfare plans.

The contract was negotiated by Local 386 Secretary-Treasurer John Souza, who just happens to be a trustee of the Western Conference of Teamsters Pension Trust!

Instead of Teamster benefits, Winco workers will be in a company health plan and a company-run Employee Stock Ownership Program (ESOP). Winco will offer a 401(k), but will not match employees' contributions. Under the company health insurance plan, the company will pay 85% of covered medical costs.

The union leadership's initial bargaining position was that members get Teamster pensions and health and welfare. But they dropped this demand when management offered the ESOP and company health insurance.

Organizers' Reaction

With about 230 members eligible to vote, the six-year contract was ratified by 70 to 58.

This has come as a shock to Teamster members at the Ceres facility (just outside Modesto) who transferred there from the Winco facility in Salem, Oregon.

As described in the new Teamster magazine, they were leaders in the organizing drive at Ceres. They gathered signatures on union authorization cards and talked to workers about how the union worked for them in Oregon. There they had full Teamster pension and health and welfare benefits as members of Local 324.

They're glad to be union again, but think the new agreement could have been a lot better. "The plus is that we got a contract," says Winco driver Rick Denton. "The big negatives are that we did not get a Teamster pension or health insurance. And wages are way too low for new hires."

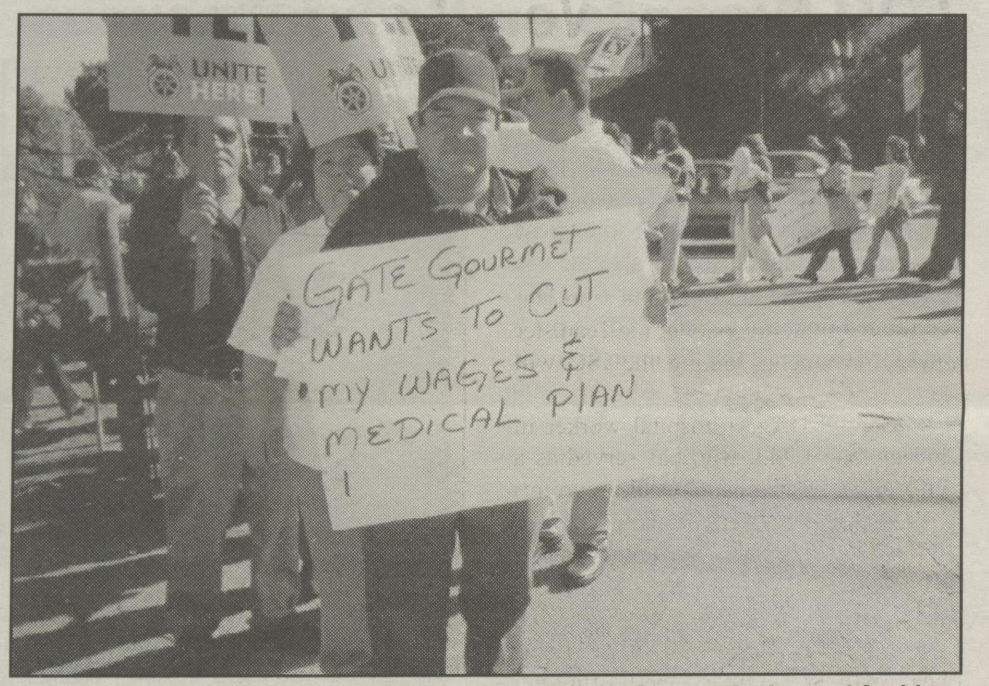
New hires will actually make $1.28 an hour less under the new contract than they did before the contract was signed. Under the new agreement, newly hired drivers will be paid $11.72. Management sold members this concession by crediting current drivers with 3120 extra hours on the wage progression schedule.

These concessions came just months after Local 324 in Oregon won major improvements for Winco Teamsters there.

Where is the IBT?

Allowing Winco to operate without Teamster benefits will undercut grocery members throughout California. Major grocery contracts are coming up, and other locals are already being undercut, including nearby Stockton Local 439, which has Safeway, Unified Western Grocers and Ralphs to contend with.

So why was this contract approved by the IBT? All grocery distribution contracts are supposed to be approved by the Regional Warehouse Division Director (Steve Vairma of Denver Local 435), to preserve area standards. The contract also had to be approved by Joint Council 38. This contract should have been sent back to the bargaining table to protect the pension rights of the Winco workers and the standards of thousands of Western grocery Teamsters.



Los Angeles Local 572 members rally to protest Gate Gourmet's demand for big concessions.

After Getting Concessions at Spun-off Company

Gate Gourmet Tries to Break Union

Gate Gourmet, whose 10,500 employees provide food services to airlines and railroads, is trying to break our union. The current contract expired June 1. Management is demanding big wage and benefit cuts that they know workers will not accept.

Under the company proposal, wages would be cut by as much as $5.02 an hour. Members' pension and 401(k) would be eliminated. The company contribution to members' health insurance would be capped at $100 a month. High seniority workers would lose two weeks of vacation a year.

Gate Gourmet workers are jointly represented nationwide by the Teamsters and another union, UNITE HERE. IBT Western Region Warehouse Director Steve Vairma has led negotiations.

Gate Gourmet tried to weaken workers' bargaining position earlier this year by creating a spin-off company, Gate Serve. They voluntarily agreed to recognize the IBT and UNITE HERE.

The unions, in turn, agreed to a contract with much lower wages and benefits than Gate Gourmet.

Demands Were Predicted

When our union made this bad deal, TDU predicted that management would demand these same concessions from Gate Gourmet Teamsters. Now they are. The concessionary contract Gate Gourmet is proposing is almost exactly the same as the one our union already agreed to at Gate Serve.

Concessions won't stop a ruthless employer. The IBT and UNITE HERE need a coordinated plan to take on Gate Gourmet. Members are willing to fight.

"They are taking the food off of our families' tables," says Los Angeles Gate Gourmet worker Ana Miranda. "We need to stop them. Local 572 organized a rally here recently, and it's a start. We need more action."

Effective Contract Campaign Wins at Milwaukee Roundys

Milwaukee Local 200 has won a strong new contract for the 650 Teamsters employed as warehouse workers and drivers at the Roundys grocery warehouse in Wauwautosa, Wis.

The union beat back management demands that members pay for health care, and won model production standards language. It is a big victory for the Roundys members and for the reform leadership of Local 200 that took office less than one year ago.

Under the new agreement, Roundys Teamsters will continue to have zero co-pay for their health insurance. This goes against the trend in the grocery industry, sometimes supported by top Teamster officials, of shifting health care costs to workers. This was management's number one bargaining demand.

The union also won model production standards language. The new agreement allows the union to have six members, trained by the union, who will function as internal auditors. These members will monitor the company's use of production standards.

If there is a disagreement between the union and management over a standard, management's standard cannot be implemented until the dispute is arbitrated. This is a major improvement at a facility where grueling production standards have been a long-term problem.

The four-year contract includes wage increases of $.40-$.40-$.40-$.45.

Preparation and Priorities

In preparation for negotiations, the new Local 200 leadership conducted a member survey to guide bargaining demands. Members identified preserving health benefits and managing production standards as their top priorities. In addition to the bargaining committee of elected shop stewards, the local set up separate member subcommittees to tackle issues like benefits and production standards. The contract was approved by an 85% yes vote.

"We were all expecting that health care would have gotten hit, but we preserved it," said Don Janz, a warehouse worker at Roundys. "And we got good contract language. We would have liked more on raises, but given the state of the economy we did all right. The majority of the guys are really pleased. In the 26 years I've worked here, I've never seen a contract so easily voted in."

Get the word out! Distribute *Convoy Dispatch*. Monthly bundles come in sizes from 10 copies ($4/month) to 100 copies ($13/month) or more. To order or for more information: **(313) 842-2600.**

2004 TDU Convention

Teamsters Plan for the Future

Hundreds of Teamsters attended the 29th annual TDU Convention in Cleveland last month to chart the course of the reform movement for the coming year.

Speakers blasted James Hoffa for the decline of Teamster power on his watch. TDU members have their eye on the 2006 IBT election, but our convention voted to put the focus for the coming year on strengthening our movement at the grassroots—to build at the bottom so we can win at the top.

The convention adopted a resolution to "Save Our Union." The priorities it defined include: developing new rank-and-file leaders, building model local unions, electing more reform leaders to local union office, and continuing to lead the fight to defend our benefits from attacks by employers—and even by our union trustees.

Activists with the Central States Pension Improvement Committee held a special meeting at the convention and defined an action plan to win more accountability and fight to reverse the pension cuts. (See page 6 for a report.)

The convention also looked ahead to 2006. Members resolved to run delegate slates in over one hundred local unions in the 2005 and 2006 elections, where members will choose their representatives to the 2006 IBT Convention.

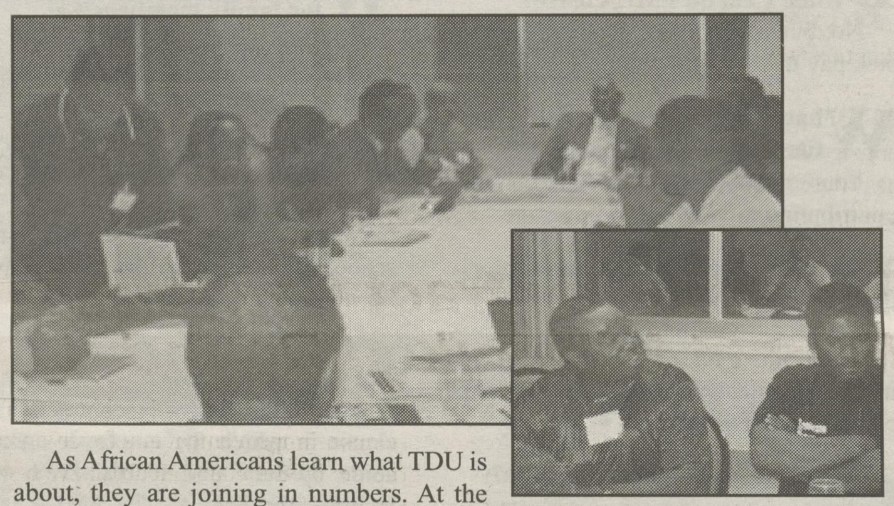
Laying the Groundwork

To lay the groundwork for a challenge to Hoffa in the 2006 election, the convention resolved that, "TDU will support the formation of a broad committee of respected leaders who can start outreach, a search for slate members, and fundraising."

"It's too early to announce a full slate for 2006, but not too early to lay the groundwork for a campaign," the resolution said.

With Teamster power declining and our union in jeopardy, it's up to us—the rank and file, and concerned officers—to organize for change. TDU's got the nationwide network that can redirect the future course of our union, but only if we all do our part. Get involved today.

TDU Black Caucus Plans Outreach



As African Americans learn what TDU is about, they are joining in numbers. At the TDU Convention Black Caucus we discussed increasing our own communication network and outreach. Our challenge in the coming year is to strengthen our outreach to African Americans and help develop more African American leadership in our union at every level—from shop stewards to local officers to international officers. It's our job as TDU—along with the Teamsters National Black Caucus and other concerned organizations—to help members grow as leaders and to push so that our union draws strength from the greater involvement of African American members.

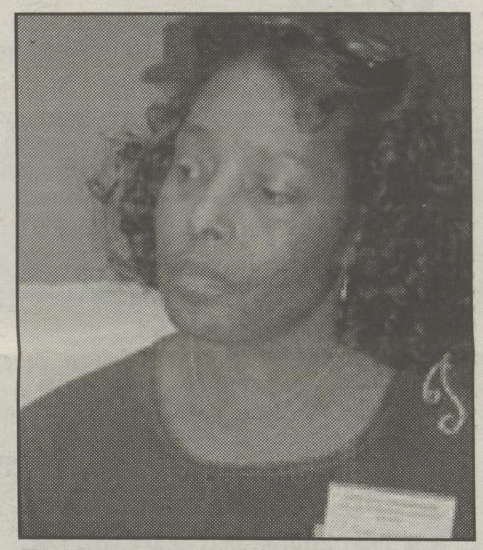
Willie Hardy, TDU Steering Committee
Local 667, Roadway, retired
Memphis

TDU Elects New Leadership

TDU members at our organization's convention took time to do a little campaigning and to elect the TDU International Steering Committee (ISC) for the coming year. The committee has 15 members and three alternates. Six of them will be new to the ISC.

The new brothers and sisters represent the strengths and diversity of the Teamster reform movement. Joining the ISC will be:

- Richard Berg, a hospital worker in Chicago Local 743, who has served as a steward and business agent and is currently running for president of his local;
- Dianne Bolton, the president of Seattle Local 174, a Teamster reform leader and a UPS feeder driver;
- Gil Clark, a steward in St. Louis Local 688—St. Louis will be hosting our TDU Convention next year;
- Toni Jackson, an inside worker at UPS in Memphis Local 667 and a relatively new reform activist;
- Bob McNattin, a ready-mix driver in Minneapolis Local 120, who helped spearhead a successful contract campaign of Minnesota ready-mix drivers;
- Sam Putinja, a steward at Purolator in Toronto Local 938, who helped the reform movement carry that large local by a 2-1 margin in the last IBT election.

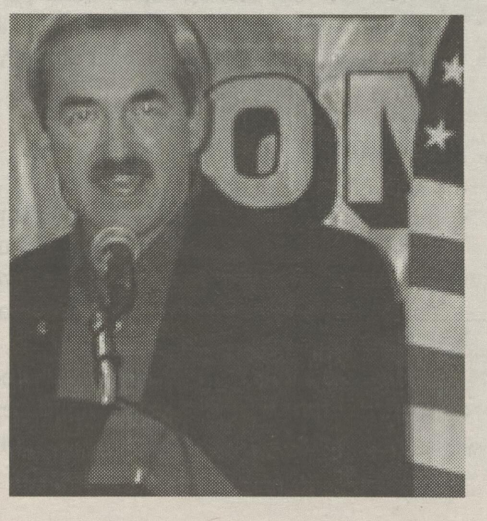


Toni Jackson of Memphis Local 667 is one of the new members of the TDU International Steering Committee.

The TDU Steering Committee meets quarterly and works to build our movement both locally and nationally. Your input is always welcome; talk to an individual committee member or contact the committee through our national office.

'I will continue to work hard to change this union.'

Tom Leedham Urges Activists to Run for 2006 Delegate Positions



Tom Leedham, Secretary Treasurer of Oregon Local 206, addressed the TDU Convention. Leedham headed the Rank & File Power Slate in the 2001 IBT Election, and won nearly 100 locals.

While campaigning Hoffa promised to "restore the power" but has presided over a huge dues hike, the first-ever pension cuts in our two largest pension plans, the demise of his anti-corruption program, and a shrinking Teamsters Union.

Here are some of Tom Leedham's comments to the convention:

> *"I've never taken multiple salaries. I don't have multiple pensions. That means I'm not eligible for early retirement, so Hoffa is stuck with me."*

"It's hard to believe, but Hoffa has now been in office for as long as Ron Carey was. Hoffa has had five and a half years and has very little to show for it...

"When union officers are living too far above their members, they don't understand what those members live through.

"When it's time to make those decisions on pensions, they haven't got a clue what they are doing to the lives of those Teamster families. I make what a freight driver makes.

"I've never taken multiple salaries. I don't have multiple pensions. That means I'm not eligible for early retirement, so Hoffa is stuck with me...

"I commit to you that I will continue to work hard to change this union and I know that you'll be with me every step of the way...

"If we are going to win in 2006 or influence the direction of our union, we need to recruit and run candidates for delegate and for local union office."

The Family and Medical Leave Act

Your Rights Under the FMLA

Management often gives workers a hard time when we ask for a leave to take care of our medical needs or our families. One tool we have on our side in these situations is the Family and Medical Leave Act (FMLA).

Below are questions and answers about what rights you have under the FMLA. If you have more questions, call TDU at (313)842-2600.

What is the Family and Medical Leave Act (FMLA)?

The federal law that gives workers at most companies the right to take up to 12 weeks of unpaid family and medical leave within a 12-month period. It can be taken in the case of a serious illness; to care for an incapacitated family member; or for pregnancy, childbirth or adoption.

What employers does the FMLA cover?

- All private-employers with 50 or more employees.
- All public agencies (state, local and federal).

What workers does the FMLA cover?

- Workers who have worked for a covered employer for at least 12 months,
- And who have worked at least 1,250 hours in the last 12 months,
- And whose company has at least 50 workers at their worksite or other locations within 75 miles.

What kind of leaves are covered?

- Medical leave—for a serious health condition that prevents you from performing your job.
- Family leave—to care for a seriously ill spouse, child or parent.
- Pregnancy and newborn care leave—for childbirth and care of a child up to one year of age.
- Adoption and foster parent leave—for placement of a child with you for adoption or foster care.

How much leave can I take?

Up to 12 weeks (or 60 work days) of unpaid leave within a 12-month period. The time doesn't have to all be taken in one block. For example, you could take off three 20-day blocks of time during the 12-month period.

Even a one-day leave is covered if it is for a long-term condition. Doctor appointments are covered if they are for necessary treatment and can't be scheduled on non-work time.

What qualifies as a "serious health condition" under the FMLA?

A serious health condition can be an illness, injury, or physical or mental impairment. It must cause "incapacity," which is defined as an inability to work or perform regular daily activities.

An incapacity is covered if it:

- Requires more than three consecutive days of treatment,
- Requires an overnight hospital stay,
- Is due to a long-term serious health condition, or
- Is due to pregnancy.

Examples of chronic conditions covered by the FMLA include asthma, diabetes, cancer, stroke, severe arthritis, heart disease, migraine headaches, and clinical depression. Alcoholism and drug addiction can also qualify as serious health conditions.

What is not covered?

Illnesses that wouldn't normally incapacitate someone for more than three days are usually not covered. Some examples are cold, flu, ear infections, minor ulcers, teeth extractions and bronchitis.

How much notice do I have to give the company before I take a leave?

Thirty days for a foreseeable absence. If your absence was unforeseeable, you must give your employer notice "ASAP," usually meaning within two days of learning you will have to be absent. You have to tell your employer that the leave is because of a serious condition or some other qualifying reason under the FMLA.

Do I have to show my employer my medical records?

No, but the employer can require that you provide a certification signed by your physician that you have a serious health condition that requires you to take time off or work a reduced schedule.

The employer has to request the certification in writing. Once you have submitted your medical certification, the company cannot request more information or records from your doctor.

You can use the Department of Labor's WH-380 "Certification of Health Care Provider" form. It's available online at www.dol.gov/esa/whd/fmla, or from TDU.

Can the company make me get a second opinion?

Yes, but they have to pay for it, and they cannot send you to a physician that works directly for them or does regular business with the company. If the second opinion conflicts with your doctor's, they can require a third opinion. The employer has to pay for it, and you and the employer have to agree on the doctor.

Can they make me take light-duty work instead of a leave?

No. But once you have run out of FMLA leave time, you can be ordered on light-duty work.

You can always voluntarily take light-duty work if the employer offers it. Time spent performing light duty work does not count against your FMLA leave time.

Does the company have to pay me while I am on FMLA leave?

No, but you can use vacation, leave or sick pay that you are due.

What happens to my health benefits while I am on leave?

Your employer is obligated to continue contributing to your health coverage.

Do I keep the same job and seniority when I return?

Yes. But if your old job is unavailable for a legitimate reason you can be placed in an equivalent position, as long as the contract is not violated.

Can I work a reduced schedule?

The employer is required to give you part-time work if you can't work full-time because of a serious health condition or because you have to care for a seriously ill family member. This includes 12 full-time weeks of FMLA leave, equal to 480 work hours.

For example, if you need to work four-hour shifts, you could do so with FMLA protection for 120 days in one 12-month period (120 days x 4 hours leave per day = 480 work hours). A reduced schedule might also be required in some cases under the Americans with Disabilities Act.

What about pregnancy and childbirth?

A mother can take up to 12 weeks of childbirth and newborn care leave. When she asks to return, she must be reinstated within two days to her original job or an equivalent job. The employer is not required to give workers taking childbirth or newborn care leave a part-time work schedule.

Newborn leave can be taken until a child is one year old. A father—married or unmarried—can also take up to 12 weeks off to help care for a newborn child. But if both parents work for the same company, the employer can restrict the total leave for both parents to 12 weeks combined.

Adoptive parents or foster parents can also take up to 12 weeks of FMLA leave during the year following adoption.

When can I take time off to care for family members?

You can take time off to care for a spouse, child or parent who is incapacitated by a serious health condition. This includes adopted children and step-children. It does not include grandparents. The family member is considered incapacitated if they cannot work, attend school or perform regular daily activities for more than three days.

Can I file a grievance over an FMLA violation?

Yes. Most Teamster contracts have a clause in which the employer agrees to abide by state and federal laws, which includes the FMLA. The FMLA is also specifically included in many contracts. Here is where the FMLA is incorporated in master Teamster agreements:

- UPS - Art. 16, Sec. 6
- Freight - Art. 38, Sec. 3
- Carhaul - Art. 10, Sec. 7

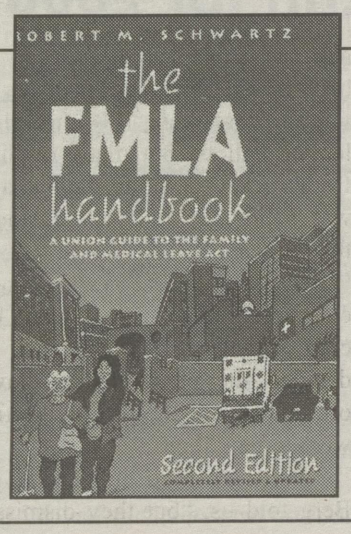
NOTE: The UPS contract contains language improving on FMLA rights. Under Art. 16, Sec. 6, employees who have not worked enough hours in a year to qualify for FMLA leave, but who have worked at UPS at least three years and have worked at least 625 hours in the last 12 months, qualify for six weeks leave.

Art. 16, Sec. 4 protects maternity leave for as long as a doctor says you are unable to work. It also allows you to bank paid time off until the next vacation year to cover pregnancy leave not covered by the FMLA.

Can I file a complaint or lawsuit?

You can file a complaint with the Department of Labor Wage and Hour Division or file a lawsuit in federal court. The statute of limitations is two years, or three years if it is a willful violation.

Much of this information was adapted from *The FMLA Handbook* by attorney Robert M. Schwartz. Copies are available from TDU (info at left).



The FMLA Handbook

A Union Guide to the Family and Medical Leave Act

by Robert M. Schwartz

Available from TDU, $13. To order, phone (313) 842-2600 or visit www.tdu.org

Members Beat Hoffa's 'Vote Till You Get it Right'

Election Won—Again—in Local 639

For the second time in a year the Members United Slate has been elected the officers of Washington, D.C., Local 639. Their election victory on October 27 put an end to one of Hoffa's more desperate attempts to undermine a local union election.

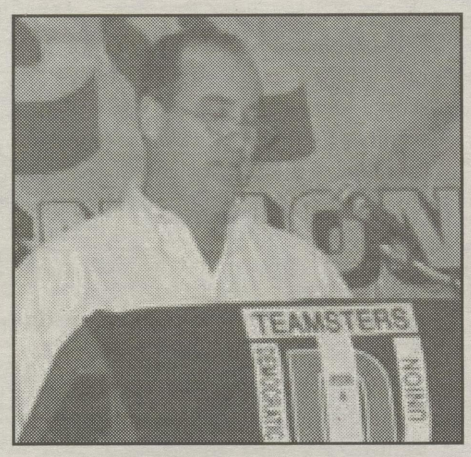
Members United won their first election last fall, beating out IBT Trustee John Steger and his Concerned Members slate.

While Local 639 members got on with the job of strengthening their union, Steger and Hoffa maneuvered in the background to have the election overturned. This was after the ballots were counted, and later tampered with, while in the Steger group's custody.

Hoffa ordered a rerun of the Local 639 election and gave Steger another leg up by imposing a temporary trusteeship and reinstalling the old officers.

It didn't work. When the votes were counted the 10,000 members of Local 639 elected all fifteen officers and business representatives of the Members United Slate. They expect to be installed and working for the members by mid-November.

Newly elected Local 639 Business Agent Anthony Smith, of the Members United Slate, spoke to the TDU Convention on October 23 a few days before his slate's victory in the Local 639 rerun election. Here are excerpts from his remarks:



Anthony Smith won election as Local 639 business agent—again—on the Members United Slate.

I bring greetings from Washington D.C. slate members, 15 strong officers, agents, and trustees—the duly elected officers, agents, and trustees of Local 639. Another story of 'Vote Till You Get it Right.'

We're the second largest local in the East with over 10,000 members. Four of the incumbent BA's split off to form a coalition slate. We came from diverse backgrounds within the union: some leaning Hoffa, some TDU sympathizers, others less familiar with International politics.

As a group, our slate was not running to become a reform local in the Teamsters, in the broader picture of the Teamsters. We were just looking to reform the local, to make the local better for the members.

[Incumbent President] John Steger is on the International General Executive Board. He's one of the people we beat.

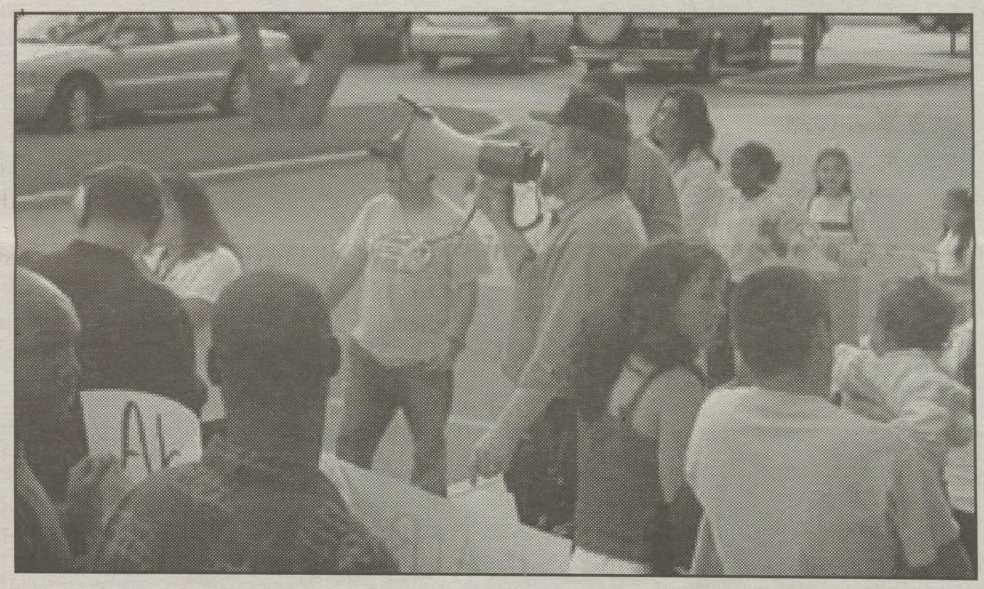
Steger commented on a number of occasions that they would be invincible because after they merged-in Local 246, the local would be too large for anybody to be able to take them on.

But a funny thing happened on the way to the dance—members took a look at their date and rejected them.

As you heard we're doing 'Vote Till You Get it Right.' We ran a stronger, less conservative campaign the second time around, even more face-to-face, out there in the streets, meeting the people. We're quite confident that we've won again.

TDU has earned great respect in our local and I was told to bring thanks from some of those people who would not have even talked to TDU in the past.

There will be no support in 639 for Hoffa in this next campaign, there's no doubt about that anymore.



Local 743 leader Richard Berg, apparent winner of the election for local president, rallies members for their rights.

NetJets Pilots Demand Strong Contract, Own Local

Amy Vidovich
Local 284, NetJets Aviation

NetJets Aviation Pilots of Local 284 are awaiting a new election for our Master Executive Council (MEC) after the local botched the first mailing of ballots. The Strong Union slate, which campaigned around the issues of good contracts and establishing an independent Teamster local, was widely expected to defeat the incumbents. The candidates of the slate include myself, Bill Olsen, Greg Rountree, Tim Nelson and Jim Brady. The previous MEC's term expired on October 31st, leaving a void in leadership just as a strong push is needed to conclude contract bargaining.

Local officials had previously delayed a vote on a tentative agreement in order to allow the MEC to hold 20 "road shows" to promote it. The tentative agreement provides wages so low that many pilots will continue to qualify for food stamps and free lunch programs. Strong Union denounced the weak agreement and it was ultimately voted down by 82% of the nearly 2,000 pilots.

NetJets is the leader in the newly emerging "fractionals" industry, in which wealthy individuals or corporations purchase a portion of an aircraft, similar to a time-share. Strong Union organized in July of this year to unseat the current leadership, which has been viewed as caving in too easily to company demands. Strong Union is supported by an extensive network of over 100 volunteers, including a rank and file advisory committee.

Local 284 has been dismissive of the pilots and uninterested in tackling the complexities of the fractional business and the needs of the members. We want the IBT to charter an independent local for the pilots, and have already established a member-based infrastructure capable of taking on the job of running our union.

Our new non-profit organization, Association of Shared Aircraft Pilots (ASAP), will move into office space in Columbus on Nov. 15. All that is necessary now is a Teamster charter. But as the Airline Division continues to drag its feet, some members are becoming disillusioned with the Teamsters. It is necessary for the IBT to call immediate MEC elections and to hold a membership vote to let the pilots establish their own local. Meanwhile, bargaining has ceased.

Local Officials Order Election Rerun— During the Vote Count!

When the votes were counted on October 16 in 12,000-member Chicago Local 743, TDUer Richard Berg of the New Leadership Slate had upset incumbent President Robert Walston by seven votes. There were 188 unresolved challenged ballots, but many of them came from workers at Silver Capital, a shop that was solidly behind New Leadership, so the outcome looked clear.

On October 18, the day before the challenges were to be resolved, local officials sprang their trick: They suddenly decided the election was flawed, and ordered a new one just as the final votes were to be tallied.

"We had filed numerous protests," Berg told us, "but they dismissed all of them. But when we won despite all their violations, they decided to grant one of our protests and order a new election."

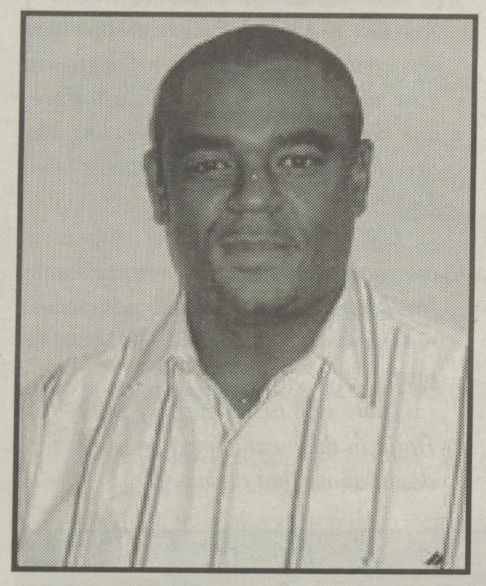
James Hoffa upheld the "vote till you get it right" trick. Hoffa has used this dirty trick often, but so far it has failed every time; members react against having their democratic vote tampered with. This is a new version of the undemocratic move, actually stopping the vote count to prevent a challenger from winning.

It will be up to the members of Local 743 to make sure that democracy prevails. They are up against wealthy incumbents who are spending tens of thousands of dollars and are experienced at dirty tricks. The ballots in the second election will be counted on Dec. 4.

TDU Convention Talkback

Why We Joined TDU

Organizing for a Stronger Union



"This was my second TDU Convention. This time I left as a member.

"TDU helps you become a stronger union organizer. It gives you a broader picture of what's happening in the Teamsters.

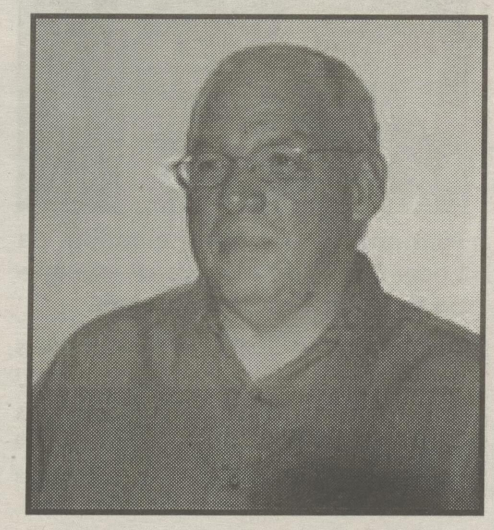
"TDU functions as a watchdog to get our union on the right track.

"If you're going to be a union member, you should understand how the union works and how it runs—and how we can make our union stronger by getting involved.

"That's what TDU is all about."

Dwayne Jenkins
Local 805, Fordham University
New York

Working for Fair Pensions



"I joined TDU because I was angry about the pension cuts and having trouble getting information from the union.

"Since I joined, I've learned more than in all my 27 years as a Teamster.

"TDU has helped the drivers at Allied in Moraine fight to save our work and we're now part of the national movement to save our pensions.

"I just went to my first TDU convention and was so impressed that I donated $200. We need to build TDU to take back our union and our pensions."

Rob Hackett
Local 957, Allied Systems
Moraine, Ohio

Fighting for Better Contracts

"The TDU Convention was my first union convention of any kind.

"It was awesome to see members so united and working together throughout North America to make the Teamsters Union better—people organizing to put our union to work for the members.

"From racism to working under an expired contract, the TDU Convention took on the tough questions and gave me a lot of ideas about how to get my co-workers involved so we can put pressure on the company and get a contract at Smith Frozen Foods."

Marlene Town
Local 556, Smith Frozen Foods
Pendleton, Oregon

JOIN TDU

TDU MEMBERSHIP APPLICATION

Name _____ Local _____

Address _____

City _____ State _____ ZIP _____

Phone _____ Company _____

E-mail _____

❑ City ❑ Road ❑ Dock ❑ Clerical ❑ Warehouse ❑ Construction ❑ Production

Other _____

___ $40 one-year membership & subscription to *Convoy Dispatch*

___ $95 three-year membership fee

___ $25 for spouses, and Teamsters who gross less than $22,000 a year

___ $25 for retirees. Retired from Local _____

❑ Check or money order

Mastercard/Visa # _____ Exp. Date _____

Date _____ Signature _____

Return to: TDU, P.O. Box 10128, Detroit, Mich. 48210

TDU membership is kept confidential. TDU solicits and accepts membership applications and donations only from Teamsters, retired Teamsters and spouses who are not employers. Only funds from Teamster members and their spouses can be used for campaign purposes.